

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONTGOMERY CARL AKERS,

Plaintiff,

vs.

JAMES KESZEI, *et al.*,

Defendants.

Case No. 2:07-cv-00572-JCM-GWF

ORDER

Motion to Reopen Discovery (#263)

This matter is before the Court on Plaintiff's Motion to Reopen the Discovery Process in Regard to Defendant Nicholas Voulgaris and Defendant James Keszei (#263), filed October 21, 2010; Defendant Keszei's Response to Plaintiff's Motion to Reopen Discovery (#267), filed October 22, 2010; and Plaintiff's Reply (#268), filed November 9, 2010.

On December 1, 2010, Judge Mahan granted Plaintiff's motion to amend his complaint (#266) as to Defendants James Keszei and Nicholas Voulgaris. (#272). Defendant Keszei had previously been dismissed without prejudice from this action due to Plaintiff's failure to serve Keszei within the time limits established by Fed.R.Civ.P. 4(m). (#168). As a result of the Court's granting of leave to file the amended complaint, Defendant Keszei has once again been named as a defendant in this action. As a result, the Court will hold the present motion to reopen discovery (#263) in abeyance until Defendant Keszei has been served with and has responded to the amended complaint. The Court will allow Keszei time to file an amended response to the present motion to reopen discovery. Accordingly,

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1 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Reopen the Discovery Process in Regard to
2 Defendant Nicholas Voulgaris and Defendant James Keszei (#263) is **stayed** until Defendant Keszei has been
3 served with, and responded to, the amended complaint. Keszei shall have up to and including 10 days from
4 the date Keszei files his response to the amended complaint to file an amended opposition to the present
5 motion to reopen discovery (#263).

6 DATED this 14th day of December, 2010.

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10 **GEORGE FOLEY, JR.**
11 **UNITED STATES MAGISTRATE JUDGE**
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